

UNITED STATES DISTRICT COURT

for the

Northern District of Texas, Amarillo Division

United States of America

v.

Sergio Omar Flores

Date of Original Judgment: Nov. 19, 2010

Date of Previous Amended Judgment

or Last Order Reducing Sentence: n/a

)

) Case No: 2:10-CR-0039 (1)) USM No: 41063-177

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)

) Pro Se

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

ADDITIONAL COMMENTS: Defendant's First Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) based on Guideline Amendment 782 was denied on April 19, 2016, because Amendment 782 did not have the effect of lowering the defendant's applicable guideline range. This is still the case. Defendant cites Amendments 484 and 488 as additional reasons for a sentence reduction, but these Amendments were passed in the early 1990s, and were effective long before Defendant was sentenced. Amendments 709 and 795 are clarifying amendments that do not have the effect of reducing Defendant's sentence (also Amendment 709 was effective prior to the sentencing of Defendant).

Except as otherwise provided, all provisions of the judgment dated Nov. 19, 2010 shall remain in effect.

IT IS SO ORDERED.Order Date: May 5, 2017s/ Mary Lou Robinson

Judge's signature

Effective Date: _____
(if different from order date)

United States District Judge